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# VINDICATION OF THE CORPORATION AND TEST ACTS. IN A N S W E R TO THE Bishop of BANGOR's REASONS For the REPEAL of them.

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By THO. SHERLOCK, D. D.  
Dean of Chichester, and Master of the Temple.

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The THIRD EDITION.

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LO N D O N:

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A  
VINDICATION  
OF THE  
CORPORATION  
AND  
TESTACTS  
IN  
JANUARY  
TO THE  
BISHOP OF BANGOR,  
RECONCILED  
FOR THE REPAIRS OF THEIR



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Dean of Chichester, and Master of the Temple.

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in another book, which I have written upon this subject, and which I have sent you before; and will set out to request it from **THE** Lord Bishop of Llandaff, who is now at St Asaph, and I am anxious to receive his answer.

## P R E F A C E.

It is now, I think, agreed on all Hands, that the Design of the Bishop of Bangor's Sermon before the King, was to make way for the Repeal of the Test Act: His Lordship seems to own this in his

*Answer to the Representation.* And however he has, with more than Christian Prudence, avoided declaring his own Opinion in many things laid to his Charge in the Representation; yet in this Particular he has spoke out, and is willing to be understood by all.

This; together with other Reasons, which every Reader knows as well as I; has induced

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me to enter into the Consideration of this Point; hoping, that a clear State of this Case might be of Service to the Friends of our Constitution, and guard them against the Prejudices, and popular Outries, raised against those Statutes; which are the Security of the Establish'd Church; and the Envy of those who hate it.

The Corporation and Test Act, and others of the like kind, were founded upon the Experience the Nation had of the Spirit and Temper of the many Sectaries amongst us. This made it impossible to avoid speaking of that Behaviour of Dissenters, which gave occasion to these Acts: But I have endeavoured so to speak of it, as to give no just Offence: And if any shall mislike the calling to Mind, even in the tenderest Manner, the Miscarriages of former Times, let him consider who are to blame; whether those who defend the Constitution; or those who by their violent Attack upon it, have made such Defence necessary.

It was once in my Thoughts to have considered all the incapacitating Laws; as well those relating to Papists, as those relating to Dissenters of all Sorts; and to have shewn the common Reason in which they are founded: But I declined this part of the Argument, that I might not give a Pretence to the lovers of Scandal to raise a Clamour, as if an odious Comparison was intended, between Papists, and Protestant Dissenters. I do

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I do not pretend to hope, that all the Care I have taken, or can take, will stop the Mouths of the Enemies of our Constitution; but I have laid in for my self this Comfort, under all the Reproaches I am to expect, that I have not deserved them; and after this Point secured, I hope I may, without being charged with Pride and Arrogance, have leave to say, that I shall not value them.

\* In the Second Part I have examined his Lordship's Reasonings, brought to shew how little Religion is concerned in Oaths: I was chiefly moved by two Considerations so to do.

1. This Point about the Religion of Oaths is connected to the Case of the Test Act, and is part of that Controversy; and ought therefore to attend upon it.

2. I was willing to give the Reader a Specimen of the Bishop's Fairness, and good Reasoning, in this Controversy. The whole Answer to the Representation is so made up of Art, Disguise, Complaints, and bitter Insinuations against the Clergy; that whoever shall attempt to reply to it Step by Step, will find himself in a very low,

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\* N. B. In this Edition the Second Part concerning the Religion of Oaths is left out.

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and yet very tedious Employment. The World will soon be tired of a Controversy, that rises to no higher a Point, than, I did not mean so ; and, You did mean so : And a Writer must be at a great loss to spend his Time, who can be willing to pursue such Trifles through a Quire of Paper.

I will give the Reader an Instance of his Lordship's Art and Disguise, in a very material Point ; and upon which one half of the Controversy turns.

The Bishop's Sermon was partly intended to rectify the Abuse of Words in Matters of Religion ; especially of the Word Church ; which had been so altered and diversify'd, that it conveyed very wrong Notions to the Minds of Christian People. This he professes to be his Design ; It is with this View, says the Bishop, that I have chosen those Words, in which our Lord himself declared the Nature of his own Kingdom \*. Two Things then he had to do ; to set aside the corrupted Notions of the Church, and to introduce the true one. These Two Things he does attempt to do. Let the Reader now consider, whether his Lordship, when he sets forth the true Notion of the Church, in order to remove the false ones, must not necessarily speak of one

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\* Sermon, Page 10.

## The P R E F A C E. vij

and the same sort of Church : For to give a Man a true Notion of one sort of Church, can never rectify his Mistakes about another sort of Church ; no more than the Description of an Elephant can convey the true Image of a Whale. The Committee of Convocation understood his Lordship to speak of the same sort of Church in both Cases ; viz. of the visible Church ; and they found his true Notion of a Church ( as he calls it ) to be inconsistent with the very Being of a visible Church : His Lordship, I suppose, upon Consideration found so too ; and yet he was to answer the Representation. What does he do then ? Why he roundly affirms, that what he said about inconsistent Images, by daily Additions, united in the Notion of the Church of Christ, related to modern Notions—of particular Churches, i. e. visible Churches ; for all particular Churches are such, Page 80. — But as to his true Notion of a Church, he professes, That he pretends in those Words to describe No OTHER but the UNIVERSAL invisible Church, Page 70.

So then by this Account, his Lordship, in order to rectify the Mistakes about particular visible Churches, gives us a true Notion of the Universal Invisible Church : Tho' if I may have leave to guess, the Bishop's great Concern was to be invisible himself ; and to hide from the Eyes of the World, what he was ashamed to own and defend. This ill applied Distinction is the Foundation

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dation of his Answer to the first Charge in the Representation ; and the Reader may judge of the Answer by seeing the ground on which it stands.

But his Lordship not content thus to misrepresent himself, and to take shelter in the darkness which he spreads around him ; is perpetually lamenting over the Frailties of those Christian Divines who found any thing to dislike in his performances. To complain, to pity, to lament, are you know, most tender things, and such as will make Women and Children cry. What advantage are such Tears in a Controversy about the Powers of the Church, and of the Christian Magistrate ! And how decently does his Lordship call out for such assistance.

But mistake not, Reader ; his Lordship can do more than complain. These Lamentations often end in the bitterest reflections :

— Hæ nugæ seria ducunt  
In mala : —

I will transcribe one passage from his Lordship, that the World may judge from what Spirit it proceeds. pag. 58.

" I confess my self surprized and astonished in  
" a very particular manner, at this part of the  
" Representation ; and cannot but stop a few  
" Moments to lament the Fate of Christianity,  
" and

## The P R E F A C E. ix

" and of the Protestant Cause, and even of the  
" Clergy themselves, when it shall be insinuated  
" in the World, from the Authority of this very  
" Report ; that their aim is to obtain such a re-  
" gard to themselves, as is inconsistent with a  
" close and immediate regard to Christ himself ;  
" and that they take it as an injury to their Or-  
" der, that the Christian People are encouraged  
" to shew themselves Subjects of Christ, in the  
" great Affair of Salvation, without fear of  
" Man's judgment.

Here you see his Lordship is surprized, aston-  
ished ; he stops short to lament the Fate, of  
Christianity, of the Protestant Cause ; nay, (such  
is his Charity) even of the Clergy themselves,  
whenever those Insinuations shall be made to the  
World, which he himself in the very next Words  
does expressly make. When he saw and declared  
how much the Fate of Christianity, and the Pro-  
testant Cause, and of the Clergy, depended on  
such Insinuations ; how could He, a Christian, a  
Protestant, and a Bishop, make those very Insi-  
nuations, and that too when he had no just  
Ground or Pretence so to do ; when he knew in  
his Conscience there was no such aim in the Re-  
port as he insinuates ? Will such Reflections as  
these pass for Charity, because they are introdu-  
ced with Surprize, Astonishment, and Lamen-  
tation ? Let Me for ever want such Charity.

It is with the same degree of goodness that his Lordship professes, That he cannot by any means persuade himself to call in question what they (the Committee) so seriously profess, p. 302. And as soon as he has made this appearance for himself, he goes on to give all the Reasons he can think of, I may say all he could invent; (for some are false in fact) why no body else should believe them. How compassionate a part is this! To profess that you believe a Man, and then to labour to shew his falseness to all the World. I wish his Lordship would seriously consider this part of his Conduct, as it becomes him to do; and not think it sufficient, because it serves present purposes, to make only an appearance of Charity.\*

There will be other opportunities of considering this matter, and I hope by other Hands; I am so little prepared for it my self, that I should be glad to be prevented.

I have nothing more to add, but to acquaint the Reader that where the Bishop's Words are quoted without naming any particular Book of his, his Answer to the Representation is always intended.

\* Postscript to Pillonniere.

new Know and find on, howe aboue to stand aginst his  
SA fift oyl to Inspectors and revisors as noised to you



the same time to be done by the said Inspectors and revisors as noised to you

I thought it wroght of a Rebuke to have so much  
to corrupt them as he would had he said the sum  
(sum) were to have been given to us by the godly all

# VINDICATION

OF THE

# Corporation and Test

A C T S, &c.

 And the Question relating to the Test  
been argued upon Political Reasons only,

I should not have been a Party to the  
Dispute; but when Concern for Religion  
was brought in, and secular Views were  
carried on, under the appearance of zeal  
to prevent abuses in the solemn worship  
of Christians; and when the Bishop of Bangor had call'd  
upon me in particular to speak to this point; which he sup-  
posed I could not do consistently with renouncing all pre-  
tences to persecution; I thought I might without offence  
endeavour to justify the Legislative, against the heavy  
charge of turning aside a sacred Institution of the Gospel,  
from its Original and natural design, to a purpose against  
its own nature, and contrary to the end proposed by the  
Ordainer himself.

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\* Page 190.

Cou'd this charge be made good, no *Christian* wou'd want any other reason to be given for the repeal of the Test Act. The Law which introduces an *abuse* of *Religion*; which *perverts a sacred Institution* of the *Gospel*, can be no *society* to the *Church*; and therefore the friends of the *Church* ought to be the foremost in such circumstances to part with it. Whether this be the case or no, 'tis part of the design of these Papers to examine.

To carry the Reader directly to the point in dispute, I must tell him; it had been observed as a consequence of the Bishop's doctrine, that *no religious qualifications* (must) *any longer* (*be*) *insisted on* †.

The Bishop in his Answer, Page 45. ‡ in order to load another assertion, gives this as a very bad character of it. *That it is worthy of him who contends professedly for making Religion a Civil Test; for debasing the most sacred thing in the world, into a Political Tool, and an Engine of State.*

To pass by every thing in this reflexion but the reasoning mix'd with it: 'tis evident that the Bishop's argument depends upon this principle, that *Religion ought not to be made a Civil Test.*

In answer to which I replied, *Is not Religion the Test in every case where an Oath is required* || ?

His Lordship now affirms, that what he said *against making Religion a Civil Test, referr'd solely to the Sacramental Test* \*. Upon what reason, I cannot imagine; for I will not suppose him to think, that there is no *Religion* but the *Sacrament*, or that any *Religion* but the *Sacrament* *may be debased into a Political Tool, and an Engine of State.*

This Account brings down the state of this part of the Controversy to the Bishop's last performance: I shall consider what he has advanced before I take leave; in the mean while, that the world may know, upon what subject we dispute, 'tis necessary to take our rise a little higher, and to state the fact of the case, about which we differ.

The Laws relating to this subject have not been distinctly considered by the Writers in this Controversy about the Test. They seem to argue merely upon popular mistakes; and do (as it serves their purpose best) sometimes call the

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+ Dr. Snape's first Letter, p. 37.    ‡ Answer to Dr. Snape's Letter.    || Considerat. p. 71.    \* Page 185.

Sacrament the *Test*, and sometimes the *qualification* for an Office; whereas it cannot be both, because there is a real distinction between the *Test*, and the thing to be testified by it; it is therefore necessary to shew the true design and intent of the Legislature in requiring the *Sacramental Test*.

By the 12 Car. II. Stat. 2. Cap. 1. 'tis enacted, that no person shall in any Corporation be elected Mayor, Alderman, &c. who shall not within a Year before his Election have taken the Sacrament of the Lord's Supper, according to the Rites of the Church of England.

By the 25 Car. II. Cap. 2. it is enacted, That all and every Person—that shall bear any Office—Civil or Military, &c. shall take the Oaths of Supremacy and Allegiance—and shall also receive the Sacrament of the Lord's Supper, according to the usage of the Church of England, &c. and make proof of his having received, as is therein appointed, upon pain of being incapable of the Office, and other penalties in the Act expressed: this Statute is not to extend to inferior Offices, as is expressly declared in the last Clause.

The latter of these Acts is declared by the Act of *Toleration* it self to extend to Protestant Dissenters: The former expressly relates to them: And both are declared, 10 Anne, cap. 2. to be made for the Security of the Church of England as by Law establish'd.

These Acts then being made for the Security of the Church as by Law establish'd; i. e. for the security of the Ecclesiastical Constitution of the Realm; the intention plainly was to keep Non-conformists of all sorts (whose principles and affection to their own ways, cannot but lead them to use any power, put into their own hands, to the hurt of the establish'd Church; from which they have separated) out of Offices civil and military, and out of the Government and direction of Corporations. To the end that the succession in such Corporations may be most probably perpetuated in the hands of persons well affected to his Majesty and the established Government \*, and for preservation of the publick Peace both in Church and State†. Where his Lordship may please to observe, that affection to the established Government, includes a Concern for the publick

\* Preamble to Corporation Act.      + Ibid. p. 2.

*Peace both of Church and State ; and that those Acts, tho' especially regarding the established Church, are yet in the sense and eye of the Law, Acts for the Preservation of the established Government of these Realms ; which was always understood to include matters Ecclesiastical as well as Civil.*

It being resolved then by the Legislature, that places of power and trust should be in the hands of such only as were well affected to the Ecclesiastical Constitution ; it became necessary to consider what should be taken as a sufficient proof of any man's being so affected ; without this the resolution woud have been void and ineffectual, and, had not such provision been made, could never have been put in execution.

Visible Communion with any Church or Society of Christians, is the best proof that man can give to man of his being a well-wisher to the Constitution of such Church or Society. But then once or twice going to Church will not amount to such proof, it being well known that many who dislike the Constitution of our Church, can permit themselves to be present now and then at part or at all of the common service. And in all things of this nature, 'tis impossible to settle the precise number of particular Acts which constitute or denote the habit : in this case therefore the Legislature could not say how often going to Church made a Churchman ; or had they named a great Number of such Acts, as the Test required, it must have been very hard, almost impossible for the Persons concern'd to give a legal proof.

The only thing then that remained, was to consider what particular Act of Church Communion would be the most probable evidence that a man was sincerely well affected to the establish'd Church.

In this view, the Sacrament of the Lord's Supper naturally offer'd it self ; 'tis that part of religious worship which the generality of Christians perform with the greatest devotion, and to which they think themselves most obliged to approach with sincerity and uprightness of heart. To this it may be added, that as a distinction was intended to be made between those who approved, and those who did not approve the Ecclesiastical Constitution of these Kingdoms ; so it was well known that the latter had as strong prejudices against the *usage* of the Church in the celebration of the Sacrament, as against any other *usage* of it whatever, and yet were

were supposed to have the same awful reverence for the Institution it self; so that it was reasonably presumed that no Dissenter, of any sort, would easily be led to such an act of insincerity, as receiving the Sacrament in a manner condemned by himself.

It was then enacted, That whoever had an office civil or military, or was to be Mayor, &c. in a Corporation Town; should make sufficient proof of his having received within a certain time prescribed, the Sacrament of the Lord's Supper, according to the Rites of the Church of England, as it is limited 13 Car. II. according to the Usage of the Church of England, as 'tis express'd 25 Car. II.

1. It must here be observed, that barely receiving the Sacrament (as the Bishop and some others suppose) is not the Test required by the Act: every man, as a Christian, is supposed to receive it somewhere, and therefore barely receiving the Sacrament could be no Test of any man's affection to the Ecclesiastical Constitution of this Kingdom. But the Test lies chiefly upon these words, according to the Usage and Rites of the Church of England: And it was supposed, that no man would in such manner receive it, but a Member of the Church of England.

2. That receiving the Sacrament, according to the Usage of the Church of England, is not the Qualification for an Office, within the Intent of the Act, but only the Proof of such Qualification: The Qualification intended is, That the Person —— be well affected to the Ecclesiastical State and Constitution of these Realms; and the receiving the Sacrament according to the Rites of the Establish'd Church, is the Proof or Test required that he is so.

This is so clearly the Case, that a Man may receive the Sacrament, so as to give Proof of the Qualification made necessary by the Corporation Act, without knowing, or even suspecting that he was then giving a Test required by Law; for that Act appoints the receiving to be within One Year before Election to an Office: So that one who receives the Sacrament, not dreaming that he may or ever shall be elected to an Office; yet if he is elected to an Office within a Year, such receiving shall stand and be accepted as the Test required.

This is plain, I say, from the View of the Acts; but to put a Matter of such Consequence in the present Debate out of doubt, I must refer the Reader to the 3 Jas. I. Cap. 4.

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The first Act, I think (though I pretend not to have care-  
fully examined this Particular) that brought in a *Sacramen-*  
*tal Test.*

The reason for it is set forth in these words. — “ And  
“ where divers Persons, popishly affected, do nevertheless  
“ the better to cover and hide their false hearts, and with  
“ the more safety to attend the opportunity to execute their  
“ mischievous designs, repair sometimes to Church, to  
“ escape the penalty of the Laws in that behalf provided

— For the better discovery of such persons, &c. Be  
“ it enacted — That every Popish Recusant — who  
“ shall conform — and repair to the Church, shall once  
“ in every year at least — receive the Sacrament ”.

Here 'tis evident that receiving the Sacrament, is required  
only as a Test of Conformity; for this Act does not require  
any thing more in Popish Recusants than Conformity;  
which was the very thing by which *before* they became qua-  
lified for the advantages of *English* Subjects. This Act  
therefore introduces no new qualification, but requires a  
stronger Proof or Test of the old one.

The same thing appears yet more expressly by 7. *Jac. I.*  
*Cap. 2.* “ Forasmuch as naturalizing of strangers, and re-  
“ storing to blood persons attainted, have been ever repu-  
“ ted matters of mere grace and favour, which are not fit  
“ to be bestowed upon any others than such as are of the  
“ Religion now established in this Realm ”.

Here you see the qualification for such favour is, That the  
person to have the grant shall be of the Religion established :

“ Be it therefore enacted, says the Statute, That no per-  
“ son — shall be naturalized or restored in blood — unless  
“ he has received the Sacrament — within one month be-  
“ fore any Bill exhibited for that purpose. i. e. Be it enacted  
that he shall receive the Sacrament — in order to prove his  
being of the establish'd Religion.

Upon the whole 'tis very plain, that the receiving the Sa-  
crament was never esteemed a qualification in our Law, but  
a proof and Test of that qualification, (*viz.* Conformity to  
the Church established) which the Law in many cases re-  
quires. Thus the case stands upon the foot of these Laws.

And if the Reader will now turn his eyes to the Bishop's  
strong declaration against the Test, he will find him arguing  
(as is usual with him) against something which no Law  
either supposes or requires. *I now repeat it* (says he) *before*  
*the world*, &c. pag. 185.

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Here his Lordship speaks as if he thought that the *celebration of the Sacrament ordained and confined by our Lord*—to the serious remembrance of his death, was ordained to something else by the above-mention'd Laws; whereas they suppose it to be received with such devotion, and to such purposes only as Christ ordained: And I desire his Lordship to shew that any of the Acts mention'd, forbid it to be received in *remembrance of Christ's death*, or require it to be received with any contrary purpose of heart whatever.

In like manner that worthy Person Mr. Sykes, who may be supposed to know his Lordship's meaning, tells us wherein the abuse of the Sacrament introduced by these Laws does consist. *We are, he says, to remember we are made Justices, or Captains, or have civil employments or preferments bestowed on us.* What is this but perverting the most sacred part, and most solemn duty of Christianity, to make it a tool to Politicians, &c? Third Let. p. 87.

I must leave this worthy Person to justify this open attack upon the Honour of the Legislature, by which they are expressly declared to be guilty of perverting the most sacred part and most solemn duty of Christianity, since he will hardly accept of any excuse that comes from me in his behalf: Tho' if he would permit me to do him a good office, I could very sincerely say, that I believe he knew nothing of the matter.

I have heard much and just complaint of the iniquity of men who have come to the holy Sacrament, without devotion, nay sometimes with open contempt of it, merely to satisfy the letter of these Laws; but never till now was the Legislature so openly arraigned, and charged with establishing guilt and hypocrisy by a Law. I presume his Lordship and his Friend may in the course of their lives have received the Sacrament, in order to give that Test which these Laws require: I desire they would tell the world, whether when they so received, they did it in remembrance only that some Preferment was bestowed on them, and without *remembrance of the death of Christ*, or no: If they shall answer for themselves that they received with no other sentiments than what ought to attend upon the celebration of this institution of Christ, and are consistent with it; why then are the Laws accused as perverting the end and use of the institution, since the Law and the end of the in-

stitution may and ought to be complied with at the same time? But if they did really receive with those worldly views, which they charge the Laws with introducing; I heartily lament their case, and wish they may never be called on to answer to One greater than is on earth.

It is worth observing here, that the argument urged in this case by his Lordship and others, is just as strong against the use of Oaths; which ought not, upon these principles, to be required as a Test of a man's veracity, because thereby they become an instrument, by means of which, *some particular sort of men* (as his Lordship speaks) (especially *Atheists and Infidels*) get into estates, the titles to which are determined on oath. And the Legislature may as justly be charged with all the perjury of corrupt Witnesses, as with the hypocrisy of corrupt Communicants.

The two questions which naturally arise from the true state of the case are these.

1. Whether it be lawful to confine Offices of power and trust in the Government, to such as are obedient and well affected to the Ecclesiastical State and Constitution of the Realm.

2. Supposing this to be lawful, whether it be also lawful to require of any man, who is willing to accept an Office Civil or Military, that he should communicate with the establish'd Church, and particularly, that he should receive the Sacrament according to the Usage of it, in order to prove such his Obedience and good affection to the Ecclesiastical Constitution.

This last question the Bishop entirely mistakes, and speaks as if receiving the Sacrament were it self the qualification for an Office, to which (Office) he tells us, *This Institution has no more relation than the complexion of men's faces, or the colour of their hair*, p. 190. and therefore seems to charge the Legislature with perverting this holy Institution.

But it ought here to be observed, that receiving the Sacrament according to the Usage of the Church of England, is not appointed to be a Test of any thing, but what it always ought (whether required by Law or no) to be a Test of: Receiving the Sacrament, &c. is not a Test of a man's being a willing member of the establish'd Church, in force, or in consequence of the Law; but in force and in consequence of that sincerity which ought always to attend it; and this presum-

presumption, that he who receives in the Church is of the Church, is the ground and the foundation, and not the effect of the Law. So in the parallel case, an Oath is not appointed by Law to be a Test of a man's veracity, but 'tis required in some cases by Law, because it is in its own nature, such a Test.

Men are not supposed to be of one Church and communicate with another: His Lordship has made use of this very argument in the case of Mr. *Pillonniere*, and concludes him to be no Jesuit, because he has often received the Sacrament in the Church of England. Upon this Presumption the Corporation and Test Acts are founded; they require the evidence of a man's receiving the Sacrament according to the usage of the Church of England, only to prove that he is a Member of that Church. They leave the Sacrament to the uses for which 'tis ordained; and lay hold on the Act of receiving, only as an evidence of a Man's being in Communion of that Church, in which he receives.

When the Doctrine of Occasional Conformity for places prevailed, it broke in upon this evidence, just as the Doctrine of Equivocation, and Mental Reservation broke in upon the evidence of an Oath; and there was the same reason for the Legislature to take notice of, and prevent the one abuse, as the other. The Act against Occasional Conformity (as 'tis commonly called) does not forbid Occasional Conformity as such, but leaves all men to the same liberty they had before to communicate occasionally with the Church; and therefore 'tis nothing to the Purpose to consider whether Occasional Conformity be a lawful or unlawful practice. All that the Legislature intended by that Statute, was to prevent their being imposed on by the Act of an Occasional Conformist: They required the evidence of a man's receiving according to the Usage of the Church of England, as a proof of his being of that Communion. The Act of an Occasional Conformist in receiving, &c. came up to the letter of the Law, and yet was no proof of what they expected.

When experience had shewn how easily the Law was evaded by the practice of Occasional Conformists, the Legislature took care to prevent the abuse, and to provide that men in Office, &c. should no longer continue in their Offices, than they adhered to the Communion of the established Church: i.e. that they should perform the condition in-

tended by the former Law, and for performance of which they were understood to give the assurance and evidence of their having received the Sacrament according to the Usage of the Church of England.

And this shews that a better or stronger Test was not to be found; for when this was evaded, the Legislature had nothing to add to it, and could only by an after provision secure it against a practice, which was an open affront to the Law of the Country.

The Occasional Bill therefore is only a guard to the Test Act; and those who plead for the repeal of this Bill *only*, do in effect desire, that all Men may be at liberty to give the proof required by the Law of their *adherence* to the established Church, and yet be at liberty *not to adhere* to it. Whether this can proceed from a concern for *sincerity*, or for the honour of the *Gospel Institution*, I leave the world to judge.

Thus the case stands with respect to the Laws now in Force: And it remains upon his Lordship and his friends to shew, that any *abuse* of the Sacrament is introduced by these Laws: And upon his Lordship in particular, to make good his heavy charge, That this is to turn it (the Holy Sacrament) from its original and natural design, to a Purpose AGAINST ITS OWN NATURE, and CONTRARY to the END proposed by the Ordainer himself, pag. 190.

As to the *Abuses* brought in by the iniquity of men, who approach the Holy Table, merely to answer the letter of these Laws; without any piety or devotion, or true sense of what they are doing; I see them, and I lament them; and they are sad instances of the decay of the Spirit of Christianity among us: But still, I say, these men are not made wicked by the Law; but being wicked, they abuse as well the Law of their Country, as the Institution of the *Gospel*: And if the iniquity of men in abusing any Law, be sufficient reason for abrogating such Law; I would fain know what Law ought to stand in force. What perjuries, what frauds, what cheats are made use of to elude the many Laws for imposing *Customs* on Trade? Let his Lordship then turn advocate for the removal of these Laws also; and let him say, that no temporal advantage or convenience to the State, can justify the great abuse of Religion, and the manifest breach of plain duties occasioned, (or to express his own sense, introduced) by these Laws: Let him plead also for abolishing

abolishing the *use* of Oaths, since Perjury is not a more crying, than it is a common sin ; nay, let him go through all the Laws of his Countrey, till he has settled the *State* upon the same bottom that he has placed the *Church*, and can say with respect to both, That *no one more than another hath authority to judge, censure, or punish the servants of another master.*

The profanation of the Lord's Supper, creates an horror in every serious Christian mind ; and God forbid that any word should drop from me, as if I could be easy and contented in seeing so much hypocrisy and wickedness. This is a case which wants a remedy : but as the Laws requiring the Sacramental Test do not *make* men wicked and profane ; so neither will removing those Laws *make* them pious or holy. The remedy must be applied to the *Men* ; tis the wickedness of the *receiver* that calls for correction ; and his Lordship has it to consider, what *service* he has done to *Religion*, by beating down the *Authority* both of Church and State to preserve *true Religion*, in an age that seems to want it so very much.

In the mean while I will go on (since his Lordship calls upon me so to do, pag. 194.) to declare my sense in this matter, and the reasons on which 'tis founded ; hoping, that it may be at least as *inoffensive* for me, to endeavour to *justify* the Laws of my Country ; as it is for his Lordship to *arraign* and to *condemn* them. And shou'd *all* I say prove to be *vain* words, and of *none* effect ; should I see the Church left naked and defenceless ; its walls broken down, and the hedge, which was placed about it, pulled up ; yet *my fruitless* pains shall yield me this satisfaction, that I laboured for the *Peace of Jerusalem* ; nor shall any man be able to suggest that I was *bribed* by the prospect of honours and preferments.

The Questions arising from the true state of this case, are (as I before observed) two,

The first is this :

I. Whether it be lawful to confine Offices of *Power* and *Trust* in the Government to such as are obedient and well affected to the *Ecclesiastical State* and *Constitution* of the *Realm* ?

This Question will be determin'd by the Resolution of two Points.

1. Whether it be lawful in any Case to make Laws, by which some Persons shall be render'd incapable of Offices.

2. Whether it be reasonable in the Case before us?

There is nothing that more nearly affects the Good and Welfare of every good Government; and consequently nothing that ought to be their more immediate Care, than to see the Powers (which must necessarily in every Community be trusted somewhere) placed in proper Hands. Every Man has an Interest in desiring that there should be upright Judges to execute the Laws already in force; and wise, prudent, disinterested Men, to make new Laws, or abrogate old ones, as the good of the whole shall require. 'Tis a Right vested in every Community *as such*, to consider and declare what Conditions and Qualifications shall be required in all Persons to be admitted to Offices of *Trust* and *Power* in the Government: And therefore, a Capacity to serve the Publick in Places of *Trust* and *Power*, which is not *limitable* by the Constitution, when there are just Reasons to limit it, is such a Capacity as is inconsistent with *all forms* of Government in the World. As Men in a State of Nature (for I am willing to argue upon that Hypothesis) are upon a foot of Equality; so are they when they enter into a formed Government, and lay equal claim to all the Advantages arising from thence. Say then that all, considered merely as Members of the Society, have a claim to be equally capable of serving the Publick; yet still this is such a Capacity, as Nature her self has set Bounds and Limits to, by the very distinction she has made in the *natural Parts* and *Abilities* of Men. It requires wise Men to manage the publick Concerns, and Men of Courage to conduct the publick Arms: It is therefore necessary to exclude Fools from the Council Board, and Cowards from the Army. This I say is a Limitation made by Nature.

But it equally concerns the Publick to have Men well affected to the Government in Places of Power and Trust. A courageous Man, who hates his Country, is at least as unfit to be trusted with the military Force as a Coward; and a wise Man, who would betray his Prince, ought rather to be excluded from his Councils than a Fool. The consequence of which is, that either no Government has a Right to preserve it self against the Disaffection of any Subject, or else that every Government has a Right to exclude from Offices of Power and Trust such as shall render themselves justly suspected of Disaffection to the Publick. To

To talk then in the present case of the *common Rights of Subjects*, is begging the Question; and supposing that Dif-  
-enters are excluded without any Reason; which is ma-  
-king a short Case of it indeed. The true Point is this; al-  
-owing all Subjects to be equally capable, as such, of serving  
the Publick, and that the Government *ought not* to limit  
his *Capacity* without good Reason, to enquire whether the  
Corporation and Test Acts are founded upon Reasons suf-  
-ficient to justify the Legislature in the Limitations by them  
made on this Capacity of some Subjects.

His Lordship's reasoning from the *common Rights of Subjects*, and his *general Declaration against debarring Men from their Civil Rights*, are Arguments which do by no means come up to the present Purpose.

A Submission of private Rights to the Publick is the fundamental Article of Government; and therefore no Subject has a Right to defend even his Life or Property as he thinks fit, but must go in the Method prescribed or permitted by the Law. How absurd is it then to talk of a *Right* to be capable of *Places*, not subject to the like restraints or limitations? The matter is not mended by calling this a *natural Right* (a Phrase much in fashion) for there is no *natural Right* that may not be lost in whole or in part. Nay, some rights are restrained merely for the sake of publick convenience, without supposition of any fault or transgression in any Member of the Community.

There is not, I presume, a stronger *natural right*, than the right to food and raiment; this is founded in the *common necessity of nature*; and 'tis not to be thought that God sent men into the world merely to *starve*, without giving them a *right* to use in common so much of it as their *necessities* require. But now we see that this *right* is *limited* and *restrained* by all Governments in the world; Property is secured every where by humane Laws, and a very unequal division of the good things of life is introduced; the far greater part of Mankind live upon their labour, or by Charity; hard as this is, yet the necessity of Government justifies the provision; and an Apostle of Christ has given us a rule in consequence of it; *If any man will not work, neither let him eat.*

Is it lawful then to restrain the *natural right* that every man has to *food and raiment*? and is it unlawful to *limit* the *capacity* which Subjects have to places of Power and Trust

'Trust in the Government? There is indeed so much compassion and equity left for cases of *natural necessity*; that in the *last extremity* we still say, *Necessity has no Law*; but it must be a sad world whenever *Avarice* and the *Lust of Power* obtain the same privilege.

His Lordship perhaps will say that he does not plead against restraints of this sort in general, but that he confined himself *solely to the Sacramental Test*, and to cases where *Religion* is concerned: I have the more reason to expect this, because I have been already *so* served; when I argued against a general principle laid down by himself, that *Religion ought not to be a Civil Test*; the next time his Lordship appeared in publick, he affirmed that by *Religion* he meant *solely the Sacramental Test*.

But let the Reader take notice, that the argument against the *Sacramental Test*, drawn from the *Right of all Subjects* to a *Capacity* of holding Offices of *Power* and *Trust*, is an argument against this *Test* considered as a *limitation* of that *Right*; and it is founded in *this*, or in *nothing*, that *all* such limitations are *unlawful*: For if *all* are not *unlawful*, perhaps *this* may *not* be *unlawful*; and consequently no argument can lye against it, considered merely as *such a limitation*. It is one thing then to object against the *Sacramental Test*, because *Religion* ought not to be made an *Instrument* of excluding men from Offices; and another, to say in general that men *ought not* upon any account to be excluded; his Lordship has declared against both very distinctly (*Pag. 109.*) *I have professed my judgment*—  
against *such UNJUST or false security, as EITHER debars men from their Civil Rights; or debases a solemn Institution of Christ, &c.*

Here are plainly two things which, in his Lordship's opinion, render all methods used for the *security* of any Establishment, *unjust or false*: The first is, when *men are debarr'd from their Civil Rights*; the second is, when a *solemn Institution*, *&c.* is *debased*.

It is then, it seems, his Lordship's *judgment*, that all *Security* is *UNJUST* which debars men from their *Civil Rights*—*i. e.*, that makes them incapable of holding Offices of *Power* and *Trust*: The consequence of which is, that no Government has any right to *secure* it self by excluding from Offices such as they judge unqualified; for no Government can have a right to an *unjust security*. If his Lord-

Lordship can find any thing in his own Writings inconsistent with this Doctrine (as much there is to be found) that is *his* concern and not *mine*.

Among all the *Capacities* of this sort known in our Constitution, those which are *Hereditary* are the strongest and most favoured by the Law: Among these, the *Capacity* of succeeding to the *Crown* is the most sacred. This his Lordship and others have taken pains to prove *subject* to Limitations; and 'tis well known that his Majesty enjoys the Crown in virtue of *such* Limitations. I would only ask his Lordship whether the *Royal Family* be the only *One* in the Kingdom liable to such Restrictions? Whether it be highly reasonable, for the sake of Publick Good, to limit the *Capacity* of succeeding to the *Crown*, and highly unreasonable, tho' there be the like occasion for it, to limit the *Capacity* of *private Men*, to be Captains or Colonels?

To me this Case is so very plain, that I will not so far suspect any Reader's Judgment, as to dwell longer on it; but will go on to consider in what manner this *Right*, which the State has over the *Capacity* of all its Subjects, is to be exercised.

They, who in any Nation have the Legislative Power entrusted with them, are bound to take care of the Welfare and Preservation of the Community over which they are placed. Men ought not to be *punished* for any offence against the Publick, without plain proof that they have *offended*; for all Punishments must follow the *strict* Rules of Justice: But all Governments have a Right (and all wise Governments make use of it) to provide against *probable* Dangers to the State; in consequence of which they have a Right to provide, that all Power in the State shall be lodged in such Hands only as they reasonably judge to be well affected: And here the Rules of *Prudence* must govern. And this may help his Lordship to see (what he seems to be at a great loss to understand, p. 194, 5.) how *consistent* it is in me to declare against *punishing* Men in their Lives or Fortunes for *those* Reasons; which, nevertheless, I think to be good Reasons for excluding them from places of Power and Trust. It would be very unreasonable to *beat* a Man because he has an infectious Distemper; yet 'tis very reasonable to deny him a Place in the Family upon this account; for in one case I should *injure* him, in the other I only *take care* of my self. The exercise then of this Right is matter of

*Prudence in the Government :* It may be abused by Wantonness and Partiality, as every thing else may, that ever I heard of ; but it will not follow, because this Right may be abused, that therefore there *is*, nor *ought* to be, no such Right in the Community.

But the Right of the State to limit the Subjects Capacity of holding places of Power and Trust being supposed; it still remains to be considered whether they had sufficient reason for what they did in the Case before us.

The Government of *England* is in the hands of Christians ; and so far, I hope, there is no Fault. When they in whom this Power was lodg'd, found it necessary to forsake the Errors of the Church of *Rome*, and to throw off the heavy Yoke of Popish Power, under which they had been long oppressed ; they saw at the same time that Religion could not be preserved without some settled Order and Discipline : and tho' the Reformation claim'd the use of the Scriptures as the undoubted Right of every Christian, who was capable of using them, yet they had sense enough to know, that to leave every Man to make the best of his *Bible*, without any farther direction or restraint, would naturally tend to Confusion, and fill the Kingdom with all the wild Concrects that Ignorance and Enthusiasm could produce. They considered farther, that it was the Will of Christ that there should be a *visible* Church ; and tho' they had withdrawn from the Church of *Rome* as being corrupt, yet they were obliged to *visible* Communion ; for these reasons they continued the National Church freed from the Errors and the Corruptions of *Rome*, under a Government and Discipline formed upon the platform of Primitive Christianity. This Church was established by *Law*; and the People of *England* were bound to Communion with it as Christian Subjects ; so bound, I mean, that nothing but a persuasion of Errors and Corruptions in the Church, could excuse a Separation from it.

Upon these Principles the Reformation here proceeded ; the Crown and the People found it necessary to reject the Papal Power, together with the corruptions of the *Romish* Church ; but they found it necessary too to preserve an authority in Church matters ; and to settle an Ecclesiastical Government even for the better reformation of Religion. Some indeed there were in the early days of the Reformation, who pleaded for *Christian* liberty in such manner, as to

to leave no room for Christian discipline; but these made no great figure, and were esteemed then as mere Fanaticks. And they, who conducted the Reformation, set out upon these prejudices (for I desire to be excused from calling them principles) by this time I verily believe Christianity it self had been lost among us; and the Supremacy vested in every man, in his own behalf, had long since establish'd a consummate Stupidity and Ignorance; but who would have been the happier for it, I profess my self at a loss to imagine.

The Protestant Church of England has enjoyed but little peace from its first establishment. In the days of Edw. VI. the controversy about Vestments, &c. began; tho' it was managed with another kind of Spirit, than what afterwards appear'd in that cause. In Queen Mary's time, this Church was destroyed; and suffered not only in the ruin of its establishment, and in the members lost by persecution; but in those also, who fled from home, and brought back those notions, which have given this Church and Nation so much trouble ever since. These were one great occasion of the disturbances in Queen Elizabeth's reign: To what height they were carried, and how they affected the peace of those times, the reader may see in Archbishop Whitgift's life, just published by our diligent and learned Historian, the Reverend Mr. Strype. Under the management of James I. the disaffection to the established Church grew strong; and in the days of his unfortunate Son; a Prince, who deserved a better Fate; it prevailed as well against the Crown, as the Mitre.

It is very true, that Religion was not the *whole* of that unhappy rupture between the King and his People; occasion there was for complaint with respect to Civil Rights; nor is it my intention to dissemble here, what the noble Historian of those times has so freely and so impartially disclosed: But then 'tis evident to all, that those disputes had ended in the happy confirmation of the Subjects Rights, had not the pretences of Religion and Enthusiasm mix'd themselves in the quarrel, and put the Nation into such a Fever, that nothing but the loss of Blood cou'd recover them again to their cool senses.

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\* I am fully satisfied, that till a consummate Stupidity and Ignorance can be happily established, &c. Bishop's Answer, pag. 91.

'Tis with reluctance that I enter into this part of the argument ; and I wish I cou'd draw a curtain before the oppressions and calamities which the Nation suffered under, in that long hour of darkness. But shou'd I be silent, yet almost every Gentleman's family wears still the scars of that frenzy, and can name the *Ancestor*, who *lost his life*, the *Estate* that was *sequestred*, the *House* that was *pillaged* or *pulled down*. And this too was acted under the pretence of making way for the *free profession* of the *Gospel*, of which however there was hardly any visible sign in the Kingdom, except only this ; *That our Kings were bound in chains, and our Nobles with links of iron.*

After more than twelve years of continual night, the day began to break, and the sound of *Liberty* was heard throughout the Nation : In a word, the King who was expelled, the Nobles and the *Gentry* who were driven into banishment or liv'd at home sequestred, or imprisoned, were restored to their ancient Rights ; and *England* became *England* again. What now was the consequence ? Why the *Crudities*, the *Oppressions* and *Devastations* of many years, were all buried in silence and *oblivion* : Private resentments and private injuries were given up to the publick Good ; the rich Sequestrator and the harass'd Gentleman liv'd like neighbours and friends ; and the Prophecy seem'd fulfilled, that the *Lion* and the *Lambs* should play together. The only redress which the King and his *People* sought for all their wrongs, was to guard themselves from falling into the same mischiefs again ; for this purpose expressly the *Corporation Act* was made, for prevention (as the words of the Act are) of the like mischief for the time to come, and for preservation of the publick peace both in Church and State : That Act which his Lordship now thinks to be an *Invasion* of the Subjects *Right*, and contrary to the *Maxim* of Christ *Jesus*. And yet, in the name of all that ever was called Christian Charity, what less could be done ? Was it so extremely wicked to guard against injury and oppression ? Was it so unreligious to defend that *Religion* which the Nation received as delivered by Christ, from force and violence ; and to suppress the many kinds of injustice practised on this people ; and which would sound too harshly, should they be distinctly enumerated. *Self-defence* is a darling-topick with his Lordship, and I desire him to shew that in this *Act* any thing was done by the *Gentlemen* of the Church

Church of England, which they had not found by woful experience to be necessary for their preservation. The general pardon was so far from producing the desired effects, that it is declared by the Legislature as the ground of the Corporation Act, *That notwithstanding all his Majesty's endeavours and unparalleled indulgence in pardoning all that is past, nevertheless many evil spirits are still working ad uictu*. This then was the case in fact: The Crown, the Nobility, the Gentry and the Clergy of England had suffered for above twelve years under such oppression and cruelty, as will be easily called to mind, by the reader; and which I have no inclination to aggravate or to describe. And when the Government returned to its natural channell again, all was forgiven; and Christian Charity triumphed over every thing, but the restless Spirit of some among us, which since the mercy and good nature of the Nation could not subdue; it became necessary that their wisdom and prudence should prevent; for these reasons the Corporation Act was made, to keep the power out of those hands which had used it so very ill: This I say was the case; and let Heaven and Earth judge of the equity of the proceedings; and let this Lordship make out his charge, that this was invading the Subjects right, and acting contrary to the Maxims of Christ. But however justifiable this might be upon the close of the Troubles, and whilst things continued to be in agitation, yet perhaps it will be said, that now the case is altered; the disaffection to the Church is abated; and we have nothing to fear from Dissenters; though places of Power and Trust in the Government should be lodged in their hands. I wish this were all true; and am willing to allow that there are many among them who are sincere in their professions of Moderation. But alas! this ~~one~~ <sup>is</sup> something to say how we would use power, if we had it; and another to know how to use it, when we have it. But to let this pass. Have any of the Dissenters declared, that they are for maintaining the Church as by Law established? No certainly. The utmost that has been pleaded in their behalf is, *That their principles — amount to those of a general Toleration to all peaceable subjects\**. I rejoice in this happy reformation of their principles; but let me ask the Gentlemen

\* *The Dissenters Reasons*, by Mr. Peirce, pag. 33.

of South Britain, what they are like to get by accepting of a *Toleration* for their Religion, instead of an *Establishment*; and that too limited to the condition of being *peaceable Subjects*; a condition indeed highly reasonable in it self; but which may be easily expounded away; and probably would be so, unless they could appear to be highly satisfied with their hard bargain. Besides, this declaration for *Tolerance* stands only upon the authority of the *Dissenters address* to the King; an authority they are not willing to abide by in all cases; and never more complain than when they are press'd with a like argument, founded upon their *address* to James the Second.

The *Dissenters* are still fond of their own principles and opinions: And we have once seen how that fondness transported them when Power was in their hands. Why then are we not to suppose that they would use Power again, if put into their hands, to set up what they account *true Religion*; and to expel, what not only they, but others of higher rank, and under greater Obligations to the Church, have treated as *Papists* and *Superstitions*?

It is well known that in the late times there was a solemn League and Covenant entered into by many, to root out the *Established Church of England*, and never more to permit its return. At the Restoration, some there were, who left their livings rather than depart from the terms of this engagement. Has their steady adherence to these obligations been blamed or condemned by their brethren of these times? No; so far from it, that they have laboured to adorn the lives and characters of these men; their sufferings for this cause, have been magnified and extolled; and they have been represented to the publick, as Confessors suffering for righteousness sake; as Lights shining in the dark, and of whom the world was not worthy. And now, let any body draw the natural consequence from this: Is it reasonable to think, that those who have consecrated their forefathers zeal to destroy the establish'd Church, and offered up so much incense to it in the eye of the world, do themselves condemn those Principles, which they do so adore in others?

It has of late years been a prevailing Opinion among some members of the *Church of England*, that the *Dissenters* had worn off their rigid zeal against the *Church*, and that there was little more left in the Controversy than the diffi-

difficulty about Re-ordination, and the dispute about some indifferent Rites and Ceremonies; among the rest Dr. Snape seems to have been in this mistake: But by this time, I presume he is convinced of his error, since Mr. Peirce has told him how highly affirming to the Dissenters such an opinion of them is; how could you suggest (says he) that we don't so much as pretend the terms of your Communion are sinful? And he goes on to give instances of sinful terms in our Communion; and then in the name of all his brethren he passes a judgment that makes the whole Ecclesiastical constitution sinful; You may depend upon it, that the great body of the Dissenters judge the terms of Communion to be sinfully imposed, p. 6. This strikes not at one, or at many of our terms of Communions but at the whole establishment; the foundation it self is sin, and nothing good can be raised on it: And therefore he very frankly and consistently declares, p. 30, we rejoice to see the foundations broken, and the fabric sinking, as we never doubted but so would ~~some~~ time or other. What hopes, what triumphs are there! — But to go on: He charges the Church, p. 30, with Persecution: and all who differ from the Bishops of Bangor in the present controversy as maintainers of it: Agreeably to which he represents the Dissenters, as the ~~big~~ remnant ~~who~~ have not bowed the knee to Baal, p. 30. So that the Church of England in this comparison (and should seem therefore in this Gentleman's opinion) is still Idolatrous, and her Priests are the Priests of Baal.

The Church of England owns it self to be subject to the Civil Power in making Canons and Constitutions for external government and discipline; whether the State has reason to like the Church the worse for this, let others judge. But those who are offended at it may assure themselves they shall have no such reason of complaint against the Dissenters: they pretend to a Power and Discipline equally great and extensive with that claimed or used by the established Church; they claim it too ~~independently~~ of the State in every respect, for they claim it all as the Law of Christ, over which no Human Power has authority: For this reason Mr. Peirce professes himself and his brethren un-concerned in the Bishop's Doctrine, tho' it takes all Power

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\* The Dissenters Reasons, &c. by James Peirce, p. 5.

from them to make Laws in matters of Conscience. This, says he, can't do the least prejudice to us. The Government (mind his reason) we plead for, is no other than the execution of the *Laws of Christ*, p. 22, 23. And since this is their opinion, I'll venture to lay for them, that tis likewise their opinion that no Power on Earth can restrain them in the exercise of *any* part of that Government which they plead for. And without the Spirit of Prophecy, it is easily foreseen, that if ever they have the Rule, their little finger will be thicker than the loins of the Church. The Holiness of their Government, its being the execution of the *Laws of Christ*, must make them (whatever they now think) zealous to impose it on all.

This Gentleman has the repute of being one of the most considerable among the Dissenters, and takes upon himself to speak in the name of the rest. I should not have wondered had one of their ignorant Mechanicks represented the *Church of England* as *Priests of Baal*; but 'tis surprising to hear this from a man of letters; from one who has had opportunities of conversing both with men and books; and it is an intimation at least, what purposes are to be served by that Power, to which some are now so eagerly pleading their right. And let every man, who wishes well to the *Church of England*, judge from hence, what he is to expect if ever Offices of *Power* and *Trust* are lodged in Dissenters hands. Will they permit, do you think, the *Priests of Baal* to live unmolested, or will they endure that the *Church of England*, whose Foundation is *sin*, should be permitted to stand. No, then they would tell us, that they have no Power to remit the *Laws of Christ*; this was not their meaning: *Non habet in faderi.*

If Dissenters want only to propagate their *Persuasion*, by applying to the reason and understanding of men, they are ~~now~~ <sup>ever</sup> at liberty to do it; and if they can convince the Nation that their Cause is right, it will give them an influence beyond what the repeal of twenty Acts in their behalf can do. Let them then go to work in God's Name, we are ready to hear and to consider their arguments: But if they want to back their arguments with *Power*, however we are bound to attend to reason, we certainly have a right to guard against force; and to secure our selves from having any thing as *Religion imposed* on us. For these reasons, and chiefly for the sake of that experience which we have had,

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we cannot join with the Bishop in calling for a repeal of these Acts: They are Acts founded on the principles of self-defence; and not made to exclude Christians from Civil Offices, *for the sake of their conscientious scruples*; as his Lordship represents the case to be, p. 192. Whereas the Corporation Act says expressly, it was for *prevention of mischief*; such *mischief* as the Nation had then but just recovered from; and not for *prevention of conscientious scruples*. And if there be no difference between persecuting a man for his opinions, and securing my self from being persecuted for *my own*; then indeed it is a Persecution to exclude men for the sake of their disaffection to the establish'd Church from Civil Power. Persecution is an hard word, but when it comes from Words to Blows 'tis an harder thing. The Church of England has *felt it*; and She has a short memory if She has already forgot what it is: It is indeed as bad as it can be described to be; and so far am I from being an advocate for it, as I have been publickly and often charged to be; that I can with a clear mind say, I have ever pleaded against it.

But surely it must be agreed on all hands, that every man has a right ( much more every Government ) to secure himself against persecution, and from having any thing as *Religion imposed* on him by undue means. And once more I call upon the reader to recollect, what passed in those sad days, when *all* the Sects among us were labouring for superiority, and making their way over the Heads and Consciences of their brethren; and when he has thought thereon, let him say with the Bishop, (if he sees reason) that to exclude men from power on account of those persuasions in Religion, which produced so much misery and confusion in these Kingdoms, is *an unjust or false security, and contrary to the Maxims of Christ*: But if he is not in great haste to come to a conclusion, let him consider; that what has been already, *may probably be expected again* from the same causes; and that power in the hands of Dissenters has once already ruined Church and State: If he thinks they are now grown friends to Toleration, and is moved by that argument, yet let him ask himself *the reason*, why he should give up an Establishment, to accept of a Toleration; and why Toleration is not as good when 'tis granted to Dissenters, as when 'tis humbly received at their hands: Let him also consider that where the Dissenters principles prevail, no Toleration is granted; the Kirk has ever protested against it, and used

used their utmost endeavours to prevent it; if he thinks much weight is to be laid upon their late declarations for general Toleration; let him remember that the same pleas were used before King Charles the First's time, and yet what were Church or Nation the better for them? In a word, let him consider, whether under these uncertainties, 'tis not wisest to trust himself with the liberty of his own Conscience: Whether he may not be as safe of shutting out Persecution (if that be the concern) by keeping it in his own power to give a free Toleration to those who differ from him, as by putting it in the power of others to make him the like grant. But to proceed;

His Lordship in his great zeal against all limitations of Offices to Members of the Church establish'd, would do well to remember that the Crown it self is subject to this very limitation. By 12, 13 Will. III. Cap. 2. it is provided,

"That whosoever shall hereafter come to the possession of this Crown, shall join in communion with the Church of

"England as by Law establish'd.

I trust his Lordship will inform the World how it comes to pass, that the Kings of England have less privilege than any of their Subjects; and why that *very limitation* is just and expedient when applied to the Crown, which is so great an *Oppression*, so subversive of *natural Right*, when applied to any of the People.

The Crown has the disposal of places of Power and Trust in the Government; and the incapacity for Offices which some lie under in virtue of the Test Act, is in truth a restraint upon the Crown in bestowing of Offices: And as long as it is thought necessary for the preservation of the established Religion to confine the Crown it self to the Communion of the Church of England, so long it cannot be unreasonable to confine the Crown from deriving power into such hands as there is reason to think would destroy it; nay, the very reason for confining the Crown to the Communion of the Church of England, is to secure the powers of the Government which are lodged in the Crown on the side of the Establishment; and it seems preposterous to suppose that any power should issue from the Crown so confined, into hands not well affected to the Church.

I do not find that the Bishop, or any body else, who argues for the repeal of these Laws, does so much as pretend to complain of them with respect to the restraint, which they

they bring to the Crown in the disposal of Offices: Nor indeed can any body *justly* do it; for his Majesty's declared affection to our Constitution in Church and State, will never permit him to think any Law a burden to himself, which is made for the preservation of publick Peace both in Church and State.

But with respect to the limitation which requires that *the Person possessing the Crown shall join in Communion with the Church of England as by Law established*: The Bishop perhaps may say, there is a difference in the case, because the receiving the Sacrament as a Test, and giving evidence thereof, is not required of the Crown: 'Tis true, it is not: and the reason of the difference is this; in the case of private men the publick cannot judge what Communion they belong to, and therefore a proof, a Test of their Communion with the Church established is required of them: But a King is a publick Person, and lives in the eye of all his subjects; and 'tis as easy to know of any King what Communion he belongs to, as what Kingdom he governs; and consequently no particular Test of joining in Communion need be required.

I would observe here (what some seem very desirous to forget) that one great end of the Revolution was to secure and preserve the *Church established*; and that to labour to hurt this Church, cannot be a mark of friendship to the Revolution. I have turned over some of his Lordship's latest pieces, to see whether this part of the argument in the behalf of the Revolution has had any improvement under his hands; and to my great surprize, I cannot find he has once had it in his thoughts: He talks indeed of *religious Rights* preserved or restored by the Revolution; but he plainly means such *Rights* as he now pleads for; such as are inconsistent with the Establishment of any Church; except perhaps the *Church of England TRULY so called* (as he speaks, pag. 7.) and what kind of Church that is, neither I, nor (I believe) his Lordship can tell; for if the *Church of England commonly so called*, is not the *Church of England truly so called*, then the *Church of England truly so called*, is some Church not yet established, and what it may be who can tell?

The Legislature knows no religious Rights but what are contained in the Establishment of the *Church of England*; and therefore the Lords and Commons tell King *William*,

that after the settlement of the Crown on himself, &c. in his first Year, his Majesty's good subjects were restored to the full and free possession and enjoyment of their Religion, Rights and Liberties, 12, 13 Will. III. Cap. 2. They knew of no religious Rights restored by the settlement of the Crown on King William, &c. but what are implied in the People's being restored to the free enjoyment of their Religion, as profess'd in the establish'd Church. If his Lordship knows of any other, yet he ought not to recommend them, as restored at the Revolution, which plainly knew nothing of them.

In a word; if all Governments in the world have a right to defend themselves as well against their own subjects, as others; and in consequence thereof to provide that the powers of the Constitution should be Lodged in such hands only as are well affected to the Establishment: If all men have a right to guard their own consciences against the force of such as would impose that for Religion which they do not approve; and if it be reasonable to suppose that those who have once attempted, and succeeded in their attempt, to use their fellow subjects in such manner, are ready to do it again when they have power: And lastly, if it be justifiable to limit the Crown to the Communion of the Church established, in order to secure and preserve the Church: It is upon all these reasons justifiable to confine Offices of power and trust to the hands of such as are well affected to the Ecclesiastical Establishment of this Realm; and the Statutes which do so confine them are not chargeable with oppression, but are founded in the highest reason; the security and preservation of our Constitution.

But besides all this, there is one consideration more arising from the very nature of our Constitution, that makes the Test with respect to Corporations highly reasonable. 'Tis well known what an Influence the Corporations have in one part of the Legislature: There are instances where a very few subjects in a little Town are represented in Parliament by as many members as the largest County chuses; and this being the Constitution, it concerns the whole to take particular care that Corporations be under the government and direction of such as are Friends to the whole; and to guard those posts especially, which if the adversary possessed, it would make one of them become equal in strength to a thousand.

*land.* The natural strength of any Constitution lies in the Affection of the People to it; and it may be allowed, that the *Ecclesiastical Establishment* (as far as it is in its nature changeable by human Laws) ought to be agreeable to the sense of the Nation; but no common sense will allow that the *little Towns* of a County ought to govern the consciences of a *County*; and therefore since many little Towns have by our Constitution (of which 'tis not my intent to complain) such an influence, there is nothing more reasonable, than to provide that such *only* as are friends to the Establishment in *Church and State*, should have the direction of *them*. Either this is reasonable, or else it is reasonable to affirm that the *Constitution* in *Church and State* ought not to be what the *Nation* likes, but what the *Towns Corporate* shall think proper for them.

This consideration may be made more general, and extended to other Offices in the State; for tho' there are many Offices which men might execute, without being thereby enabled *immediately* to hurt the Constitution; yet the influence which such Offices give in the election of Parliament men, (a Power which accrues not from the particular nature of the Office, but from the nature of our Constitution,) makes it reasonable that such Offices should be confined to the friends of the *Constitution* in *Church and State*: This, I say, is in some degree the case in general; but it more evidently appears in the case of *Corporation Officers*.

The Nonconformists of all sorts (including Papists as well as others) were computed to be in proportion to the members of the Church of *England*, in the year 1676.  
 \* as one to twenty: A number in proportion too small to have any *natural* strength to hurt the Constitution; but if they were at liberty, and should apply themselves heartily to gain the Corporations, they might soon get such strength as might make them formidable; whilst others relying upon their numbers sat securely by. Whether this advantage in these circumstances ought to be given to the *one*, the *twenty*, I think, have a very good right to judge.

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\* This is founded on a Survey of the Province of Canterbury, which was in the hands of the late excellent Bishop of London; and now in possession of his worthy Executor.

The case of the Corporations, and the influence they have in one part of the Legislature ought to be well considered, by such especially, as seem willing to part with the Test as far as it affects Corporations, and to preserve it with respect to other Officers. If it be reasonable to keep any Power out of Dissenters hands, that Power certainly which gives them an influence in the Legislature; in making Laws for Church and State; ought especially to be kept from them. And it must upon the least reflexion appear very strange to advance a man to a share in making Laws for the Nation, and yet to deny him all other Power.

Were the Dissenters fewer in number than they are; were they *one* to a thousand, yet I should think it unreasonable and unlawful to endeavour to end the difference by force: And so far am I from *disliking* the *Indulgence* allowed them, that I like the Establishment *it self* the better for this abatement in the rigour of its Laws. But if *Peace* and *Security* of *Conscience* will not satisfy without *Power* and *Authority* in the *State*, it ought to be no offence to them to be told, that we owe a regard to our *own Consciences*, as well as *theirs*; and tho' we rejoice in *their* liberty, yet we see no reason to part with our *own Security*.

I have hitherto spoken of the Corporation and Test Acts in general, and the reasons on which they are founded. There will want but little to be said of the 25 of *Charles II*, in particular; and that only in respect of an Objection which concerns that A&t.

This A&t when it was made related particularly to *Papists*; and his Lordship, who can distinguish between a man's *Religion*, and the *certain*, *necessary*, *effects* of it; can see, without doubt, the reasonableness of a Test, or any other *qualification* in this view. For my own part, as far as the argument for *Persecution* is concerned, I make no difference between one Religion and another, and can as little justify *hanging* a Papist merely for his *Religion*, as a Protestant. If therefore the Test Act be in truth a *persecuting Law*, it is bad in every view; but if it be only a reasonable provision for the *Security* of the *Establishment* against suspected enemies: it is good in every case where there is probable ground for such suspicion.

I need not say how much the Nation is indebted to this A&t; it has once already saved us from the Power of Popery; and was a *Barrier* to the Protestant Religion in all King James's

*James's Reign*: This was so evident, that there was nothing this unhappy Prince laboured so much as the repeal of this Act; and when he could not get an English Parliament to concur with him, he took a bold Step to compass his design, and endeavoured to lay it *asleep* by a dispensing Power. His Declaration to this purpose is upon record in the *Annals* and *Histories* of that time; and if the Reader will be at the trouble to turn to it, he will find that the Bishop has been beholden to King *James's Declaration* for his arguments against the *Test*.

But this Act being designed for Papists in particular, it has been complain'd of that it was extended to Protestant Dissenters; tho' it is well known that *this* effect was foreseen at the time of making the Act, and might have easily been prevented, had the Legislature intended to prevent it. But let this pass; it cannot be denied that *this* effect upon Protestant Dissenters was understood at the time the *Tolerance Act* passed, and yet so far were the Legislature from preventing it *then*, that they expressly declared *all Protestant* Dissenters to be liable to it. Which Declaration was indeed a *re-enacting* of the *Test Act*, with respect to the Dissenters: And from this time (at least) the *Test Act* does as directly affect the Dissenters as the Papists: And 'tis not worth while to dispute with *them*, whether they were put under this Act by King *Charles* or King *William*. But I recommend it to the Bishop to consider the proceedings of that Parliament of King *William*; they were no friends to *Persecution*; they released Dissenters from all *penalties*, yet thought it fit to extend the *Test Act* to them; and let him learn from hence (if he pleases) that *Persecution* is *one* thing, and excluding the ill affected to our Establishment from places of *Power*, is *another*. Or if he can by no means part with his charge of *Persecution*, I hope he will not for the future *single* me out to bear it all, but will allow King *William* and his *Parliament* their due share; which will make his indignation, if not more *just*, yet more *generous*; for I am by no means considerable enough to be a proper subject of his Lordship's triumphs.

But that it may not be suggested that King *William* consented to as much as he could obtain from his *Parliament*, and left the *Test* in force, because the times would not admit a Repeal; 'tis proper to inform the Reader, that he had declared his opinion in this matter before the Revolu-

tion. When King *James* attempted to repeal as well the *Test* as the *Penal Laws*, he endeavoured to gain the approbation of the Prince and Princess of *Orange*; and Mr. *Stewart* by the King's order wrote to Mr. *Fagel* upon that head: Mr. *Fagel* in his answer delivers their Highnesses sense; that they could wish *Penal Laws* removed; but as to the *Test* they had a *just aversion* to the *abrogation* of it.

The last paragraph of Mr. *Fagel*'s answer to Mr. *Stewart*'s Letter, printed *Anno 1687*, as taken from the late History of *England*, is to this effect,

" Lastly, ( he concluded ) that their Highnesses ever had, " and were resolved ever to preserve a profound submission " to his Majesty, as they thought themselves in Duty " bound by the Laws of God and Nature: But since the " matter that was then in hand, related not to the making " of new Laws, but to the total abrogation of those already " made both by King and Parliament; their Highnesses did " not see how it could be expected of them, that they " should consent to such an Abrogation, to which they had " so just an aversion; as being a thing that was contrary to " all the Laws and Customs of all Christian States, whe- " ther Protestants or Papists, who admitted none to a share " in the Government, or publick Employments, but those " who professed the publick and established Religion, and " endeavoured to secure it against all Attempts what- " ever."

This Letter is, I think, a full Answer to such as pretend to say that Dissenters from the National Church enjoy greater Privileges in *Holland* than they do with us. The Prince and Princess of *Orange*, and Mr. *Fagel*, knew surely what was the Constitution in that Countrey; and the Reader has their Sentiments, that it was contrary to the Laws and Customs of all Christian States, whether Protestants or Papists, to admit Dissenters to a Share in the Government, or publick Employments. And so true is this, that no *Arminian* in *Holland* is ever admitted into the Magistracy: And the Case is the same in *Sweden*, *Denmark*, the *Principality*, and free Towns of the Empire, which profess the Protestant Religion. At *Dantzick*, as I am informed, three out of eighteen Magistrates are allow'd to be *Calvinists*, the rest being *Lutherans*; a proportion so small, that it will hardly make an Exception to the general Rule.

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I have now laid before the Reader the Reasons inducing me to wish the *continuance* of those Laws, which the Bishop has declared ought to be *repealed*. Whether his Lordship judged right, when he suggested that I could not be a well-wisher to these Laws, without being an Approver of *Persecution*, the World must judge from what I have now offered.

As to his Lordship, I will beg leave to remind him of something which he ought to have consider'd himself before he had openly *declared* and *called* for a *repeal* of the Test Act. In the fifth of the Queen an Act was made introductory to the Union of the two Kingdoms, entitul'd, *An Act for Securing the Church of England as by Law establish'd*. In which Act it is provided, that an Act 13 Eliz. entitul'd, *An Act for Ministers of the Church to be of sound Religion*; and the *Act of Uniformity*, 13 Charles II.—And all other and singular Acts of Parliament, now in force for the Establishment and Preservation of the Church of England, and the Doctrine, Worship, Discipline, and Government thereof, shall remain, and be in full force for ever. This Act is inserted *verbatim* in the Act of Union, and declared to be an *essential Condition of the said Union*,—*an essential and fundamental part of the—Articles and Union*. Since then *all and singular Acts*, in force at the time of the Union, for the Establishment and Preservation of the Church are made perpetual, his Lordship should have considered whether the Test Act did not come within this Description; and the rather, because by an Act of Parliament 20 Anne, Cap. 2. it is declared concerning the Corporation and Test Acts, that *both—were made for the security of the Church of England as by Law establish'd*. Now if *these Acts* were, as it is declared by the Legislature, made for the security of the Church established: And if all such Acts are Fundamentals of the Union, and to continue in force for ever, his Lordship, as a private Writer, I presume ought not to have called for a Repeal. If this be permitted, what Jealousies may not be fomented? What Handle does this administer to Men otherwise disposed than his Lordship to break in upon the *like Security* which the Kirk enjoys, whenever they have Power and Opportunity?

I speak this of his Lordship as a private writer only: When the Legislature set limits to their own authority, they must continue the Judges of those limits; and it would

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be great presumption in me to pretend to say, that this consideration does affect, or how it does affect the supreme Power; but there is at least so much appearance in it, as to make it very improper for private men to give judgment in the case; which yet his Lordship has done in the most express, (and indeed most reproachful) terms, by openly calling for a repeal of the Test Act.

I shall transcribe the words of the Union Act relating to the security of the Church of England, and so conclude this head.

*Quinto Anne, Cap. 8. Sect. 7.]* **A**ND whereas it is reasonable and necessary, that the true Protestant Religion professed and established by Law in the Church of England, and the Doctrine, Worship, Discipline and Government thereof, should be effectually and unalterably secured: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by authority of the same, that an Act made in the thirteenth year of the Reign of Queen Elizabeth, of famous memory, entituled, *An Act for Ministers of the Church to be of sound Religion*: And also another Act made in the thirteenth year of the Reign of the late King Charles II. entituled, *An Act for the Uniformity of the publick Prayers and Administration of Sacraments, and other Rites and Ceremonies, and for establishing the form of making, ordaining, and consecrating Bishops, Priests and Deacons in the Church of England*, (other than such clauses in the said Acts, or either of them, as have been repealed or altered by any subsequent Act or Acts of Parliament) and all and singular other Acts of Parliament now in force for the establishment and Preservation of the Church of England, and the Doctrine, Worship, Discipline and Government thereof, shall remain and be in full force for ever.

*Sect. 8.* And be it further enacted by the Authority aforesaid, that after the Demise of her Majesty (whom God long preserve) that the Sovereign next succeeding to her Majesty in the royal Government of the Kingdom of Great Britain, and so for ever hereafter, every King or Queen succeeding or coming to the royal Government of the Kingdom of Great Britain, at his or her Coronation,

" nation, shall in the presence of all Persons who shall be attending, assisting, or otherwise then and there present, take and subscribe an Oath to maintain and preserve inviolably the said Settlement of the Church of *England*, and the Doctrine, Worship, Discipline and Government thereof, as by Law established within the Kingdoms of *England* and *Ireland*, the Dominion of *Wales*, and Town of *Berwick upon Tweed*, and the Territories thereunto belonging.

*Sect. II.* " And it is hereby further enacted by the Authority aforesaid, that the said Act passed in this present Session of Parliament, entituled, *An Act for securing the Church of England as by Law established*, and all and every the matters and things therein contained: And also the said Act of Parliament of *Scotland*, entituled, *An Act for securing the Protestant Religion, and Presbyterian Church Government*, with the Establishment in the said Act contained, be, and shall for ever be held and adjudged to be, and observ'd as fundamental and essential Conditions of the said Union: And shall in all times coming be taken to be, and are hereby declared to be essential and fundamental parts of the said Articles and Union.

The second question is this.

Supposing it to be right to put Offices of power and trust into the hands of such only as are well affected to the Ecclesiastical Establishment; whether it be lawful to require of any man, who is willing to accept such Office, that he should communicate with the Church establish'd; and particularly that he should receive the Sacrament according to the rites and usage of it, in order to prove his Communion with it.

'Tis here to be observ'd that the Test Act obliges no man to receive the Sacrament. It may (and I doubt it too often does) prove a Temptation to a man to do, what otherwise he would not chuse to do; but for such insincerity the Receiver and not the Lawmaker is to answer. We ought not indeed to lay stumbling blocks in the way of our brethren; but the Legislature consider the receiving the Sacrament according to the Rites of the Church of *England*, not only as lawful, but as commendable in a Christian, and therefore they can in no sense be charged with tempting men to sin. But his Lordship's objection is more general; he

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argues that *Religion* ought not to be a Civil *Test*: In answer to which I told him, that *Religion* is the *Test*, whenever an Oath is required. His Lordship in his Reply would seem to deny this; and in order to it, has so confounded the terms of the question, that 'tis necessary to set them right before we go any farther.

1. *Religion* considered in its first principle and foundation, is that sense and persuasion which men have of the being and power of God, and of the relation they stand in to him as creatures and subjects.

This sense is the very bond and obligation, which ties men to God; And though in strictness of speech it may perhaps more properly be call'd the *Foundation* of all Religion, than Religion it self; yet the disposition which naturally arises from hence, and influences all religious acts and duties whatever, has entitled even the original *sense* by a common figure of speech, to bear the title of Religion.

2. The first and most immediate consequence from *this sense*, are, that we *ought* to love, fear, and trust in God; as Creator and Governor. These are properly and strictly speaking *religious* acts of a rational mind.

3. The whole complex of man's bounden duty to God; deducible from *this general sense*, is properly called *Religion*.

4. Any branch of Religion, respecting immediately either God, our selves, or our neighbour, may by a figure usual with all writers be termed Religion: Thus it is Religion to love God, so also it is Religion to love our neighbour.

5. All particular duties as they regard God, may for the same reason be called *Religion*.

6. The coming in of the Gospel made no alteration in the Essentials of Religion. 'Tis just as *much* Religion now to love and fear God, and to obey him, as it was *before* the publishing the Gospel; and no more so. But it is to be observ'd, that our blessed Lord has commanded the Observation of some positive Institutions, intended to be Signs and Memorials to Christians of the *Grace* bestowed on them by God through Christ. These Institutions are ordain'd for the sake and for the preservation of *true* Christian Religion; and are called *Religion*, not because they are in their own *nature* religious acts, but for the *relation* they have to Religion, through the institution and command of Christ Jesus, and to that truly religious dispo-

sition of mind, with which they ought always to be performed.

From this account I would observe,

1. That to *love, fear, and trust* God, as Governor of the Universe, are the first and most essential duties of Religion, and resulting immediately from the natural sense and disposition of a rational mind. That all particular duties flow from these; and consequently, that no particular duty can be called *Religion* in an higher sense, than *these* are so called.

2. That these essential duties are the Religion on which an Oath is founded.

The next thing to be considered, is the meaning of the word *Test*.

The word *Test* is a relative term, and always respects something that is to be testified. And therefore a *Test*, as 'tis applied to humane affairs, denotes a sensible evidence naturally tending to prove the thing doubted of. I say *naturally tending*, because no humane appointment can make any thing to be a sign of an inward disposition, which is not naturally so: An Oath is therefore a *Test* of the Witnesses veracity, because it naturally implies (the Religion of Man supposed) the strongest obligation and disposition to speak truth.

The word *Civil* added to *Test*, does not denote any thing that belongs to the *Test* it self, or that enters into the nature of it; but signifies *merely* the *end* for which 'tis required, or the *use* that is made of it. The Sacramental *Test* is called a *Civil Test*, not because the *Act* of *receiving* becomes a *Civil* or *Political Act*, by being made a *Test*, but only because the *end* for which it is made a *Test*, relates to the *Civil State*, and the *use* made of the *Test* is *political*, respecting the Government. So that in the *Sacramental Test* there is nothing *Civil* or *Political*, but as it is applied by the Government; on the part of the *receiver* it continues to be a *religious Act*, without any mixture of *Politicks*, in virtue of the *Law*: When it is brought before the Government, they consider the *Act* of receiving according to the *usage of the established Church*, only as implying the qualification, which the *Law* intended, in all Persons, who shall be in Office, &c. In this sense then *Religion is made a Civil Test*, that the Magistrate is enabled from thence to draw a consequence which he applies to *Civil Affairs*.

To apply this to the two cases before us.

An Oath is required of a Witness as a Test of his veracity. It is the act of a man considered as a *religious* creature; for take away the sense of Religion, and there is no pretence for requiring an Oath; since then an Oath has all its force from the Religion of the man, 'tis the Religion of a man alone that makes it a Test; for whatever it is that makes it *naturally* signify what is intended or required to be signified by it, that it is, which gives it the *essential* properties of a Test: But 'tis the Religion of the man alone that makes his Oath *naturally* signify the veracity of his evidence in virtue of the strong Obligation it puts him under to speak Truth. 'Tis evident then the Religion of the Man is the Test whenever an Oath is required. And *Religion* here denotes the first and immediate Duties arising from the Knowledge of God and of our selves, as they are explain'd Art. 2. in the account of Religion. For whoever takes an Oath, does (as 'twere) pawn the love and fear of God which are in him, and all his trust and hope in God, for the truth and sincerity of his Evidence or Promise. And these internal Principles are the ground and foundation of all religious Acts whatever. No Test can be founded on an higher degree of Religion than this; no positive Duty can imply a greater degree of Religion than is contained in this general Faith, in these first Principles from which all Duties flow.

His Lordship has observed more than once, that we are not bound by Religion to take Oaths: And in this he places the great Difference between the Test of an Oath and the Sacramental Test; but his Observation does not come up to the Case. For an Oath is that Act of a Man by which his *Religion* is laid hold on; and tho' the Act it self be not commanded, yet the Religion laid hold on by that Act is commanded, unless his Lordship thinks that we are under no Command or Obligation to love, to fear, to trust in God.

The true Parallel stands thus:

We are obliged to believe in God, and to fear him, and to trust in him, in the virtue of the reason given us by God.

We are oblig'd to receive the Sacrament in the *Church of Christ* in obedience to an Institution of Christ; and consequently we are supposed to be in Communion with that visible

sible part of the Church with which we receive the Sacrament.

When the Magistrate requires an Oath, he lays hold on the natural Sense and Obligation we are under to believe in, and to fear God, and grounds the Test on them.

When he requires the Sacramental Test, he lays hold of the Obligation we are under to communicate with that Church which we esteem to be a true part of the Church of Christ, and grounds the Test on it.

And the Reader has it now fairly before him to judge how far Religion is in both Cases a Civil Test, and whether it be not at least as much so in the first Case as in the latter.

But if it shall be allowed that Religion has, by the common consent of Nations, been made a Test in Civil Matters; and consequently that his Lordship's Objection from the Nature of Religion in general is not good; Yet it remains to be consider'd in particular, whether there be any thing in the Institution of the Sacrament that makes it unlawful for the Government to use it as a Test. And here it must be granted that if the Statutes, requiring the *Sacramental Test*, have added to, or taken from the institution of Christ, they are certainly unlawful; but if they have done neither, his Lordship has very unjustly charged them with perverting the end of the *Institution*.

To draw a just consequence from seeing a man do an act enjoined by Christ, is, I presume, no affront to the command of Christ: To argue from a man's obeying the Gospel, that he is a Christian, will hardly be taken for an abuse of the Gospel: So in the present case; to conclude from a man's receiving the *Sacrament* in the Church of England, that he is in Communion with the Church of England (which is all the use that the Government makes of the *Sacrament* consider'd as a *Test*) is surely as innocent a thing as any in the World. If the Bishop can shew that the Laws now in force require any man to receive, otherwise than a member of the Church of England ought to receive when not called upon by those Laws; or with any view, or purpose of heart contrary to the Gospel; let the Laws be condemned. I put the whole, that I have to say in justification of them, upon this issue; only desiring his Lordship not to charge the Law with the hypocrisy and guilt of such, as, he knows, despise the Laws of God and man.

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The word *Te<sup>r</sup>z*, when applied to the *Sacrament*, is a mere *external* denomination ; it does not denote any thing belonging to the institution, or to the action of receiving, but merely the use that is made of it as an external sign. If the Government take it to signify what it does *naturally* signify, they are guilty of no impiety : And I am at a loss to find the great Wickedness in supposing that whoever receives the *Sacrament* in the Church of *England* is a member of that Church. And therefore I am surprized to hear his Lordship call this, *debasng the most sacred thing in the World into a political Tool and Engine of State.* These are very hard words ; unless possibly they come within his Lordship's rule ; *That Principles can neither give nor take affronts,* p. 265.

But perhaps his Lordship may say, that the fault lies in *requiring* men to receive the *Sacrament* according to the *Rites* of the Church of *England* : But before he does say so, I hope he will consider, that 'tis no great crime to require a man to do, what his *profess'd* Principles lead him to do. And therefore the Legislature are blameless in requiring the *Members* of the Church of *England*, to receive according to the *Rites* of their *own* Church : And his Lordship may know from hence that they intended to *require* it of *no others* ; that when they found *others* did receive it in consequence of *these* Laws, they put a stop to all temptations to such *abuse* of the *Law* for the future, by the *Occasional Bill*. And even as to the *Members* of the Church of *England*, they are no more *obliged* by *these* Laws to receive, than they are to take a place ; and if they think fit to take a place, yet so much time is allowed (*i. e.* three months) for receiving the *Sacrament*, that it must needs be their *own* fault if they are not *well* prepared for it. So that in all views, the Legislature are guiltless of the *profanation* of the Lord's Supper, with which *they* have been so warmly and so indecently charged.

But after all (it will be said) that in fact many who receive upon account of Offices, do it in a very indecent manner, and come very ill prepared to this solemn part of religious worship : *pudet bac opprobria* ; I am sorry there is so just cause of complaint in this respect. And in God's Name let the Ministers of the Gospel speak to the Consciences of their people ; let them reprove their iniquity, and shew them that there will be *no profit in gaining the World,*

if

*if they lose their own Souls; and if this will not do, let them turn away the open and notorious Offenders from the Lord's Table; and tell them, they have neither part nor lot in this matter; for their hearts are not right in the sight of God.*

I know his Lordship will think this to be a dangerous experiment; for he has a notion that the Test Act forces Clergymen to give the Communion to every Atheist, or Debauchee, who may be named to any Civil Office; unless he chooses to be ruined for not doing it, p. 50. I perceive his Lordship's Law is of his own making, as well as his Divinity: The reader may look into the Test Act if he pleases; but if he looks till Doomsday he will find nothing in it to force any Clergyman to give the Sacrament to *every one*, much less to *every Atheist* who may be named to a place: The Test Act leaves this matter just as it found it, subject to the Rules and Canons of the Church; and the Man who comes with a Place to receive the Sacrament, is in the same case as he who comes without one; and is liable to be refused for the same Reasons. If his Lordship would have studied the Constitutions of the Church of England by Law Established, he might have known that the Rubricks before the Communion-Service authorize the Curate to repel all *open notorious evil livers*; all who have done wrong to their Neighbours by Word or Deed, so that the Congregation be thereby offended; and, those betwixt whom he perceiveth malice and hatred to reign—provided that within fourteen Days he give notice to the Ordinary, &c. He might have known too that these Rubricks have the Authority of an Act of Parliament; and, in case of any Dispute, are as good a Rule to the Judges in Westminster-Hall, as to the Curate of the Parish; and therefore if the Curate does right, according to these Rules, in the Church, he can never suffer for so doing in Westminster-Hall; and if he does wrong, he ought to suffer, whether the Person, injuriously refused, had a Place or no.

His Lordship, I suppose, may have heard in common talk, that a person who loses a Place by being refused the Sacrament, may have an action against the Curate for damages; I have heard the same often: But I desire his Lordship to take notice that there must be an *injury* done, as well as a *damage* suffered, to entitle a man to an action: And therefore

fore let a man suffer what damage he will by being refused, yet if he was not wrongfully refused, the Law will give him no remedy: And whatever Clergyman acts according to the Rubrick, which is a rule prescribed him, as well by the Law of the Land, as of the Church, will be in no great danger of being judged to have acted *injuriousl*y.

Cases of this nature are properly triable in the Ecclesiastical Courts; but supposing, that by reason of the temporal damage sustained by loss of a place, a man may have an action in the temporal Courts; yet I presume that he would not be allowed to proceed upon the *bars* allegation that he was refused the Sacrament; but he must aver that he was refused it *unjustly, and without sufficient reason*: And if upon the Tryal it shall appear that the Curate did refuse him; but that he did it *justly, and with sufficient reason*; the complainer will be entituled to no remedy: The Rubricks, and Canons of the Church must be in that case the rule to judge by: And if the Minister has followed the Rubricks and Canons, he will be justified; if he has not, neither his Lordship nor I are concerned to enquire what will become of him.

I may venture then to tell his Lordship, (and I have some ground for my assurance) that the Test Act forces no Clergyman to give the Sacrament to *Atheists, and Debauchees*, or any other offenders, if they be *openly and notoriously* such; if they are *such* only in *secret*, they are out of the question; for no Clergyman's conscience can be burdened by admitting an *unknown* offender to the Sacrament.

Should any Clergyman, forgetting his duty, refuse a Parishioner the Sacrament out of passion or prejudice, or with any other sinister view, he must thank himself for what he shall suffer on that account; And he will deserve to suffer, whether his parishioner had a place, or had not one: But if he proceeds with discretion and Charity, and according to the rules prescribed him by *authority*, he has as little to fear from a man with a place, as from a man without one: And if he be unjustly and vexatiously sued for doing his duty, the Law will give him costs.

But it may be said perhaps, that it is enough to ruin a poor Clergyman (and many such there are) to justify, what he *does well*, by the method of Law: If this be true, the more's the pity: But then I would have it observed, that this

this difficulty does not arise from the *Tent Ax*; and therefore it is not chargeable on it; but it arises from the course of our *legal* proceedings, and is common to all cases. A Clergyman may be ruined (and many an one has been) by saying for his *just* dues of Tythes and Offerings: And yet methinks it would be an injudicious complaint to quarrel with the Laws, by which the dues are claimed, on this account. If his Lordship can find a just and adequate remedy for this difficulty, he will merit the thanks of the Clergy; but 'tis absurd to charge *that* as the fault of *one* Law, which is common to *all*.

I know but of one difficulty more that can be made in this matter, which is this: It may be alledged that a Curate may have sufficient reason to himself to repel a man from the Communion, and yet it may be hard for him to make legal evidence against the man, of the crime for which he refuses him. In answer to which I say, that a Curate of a Parish is bound to proceed by the rules prescribed him by the Church; and he cannot be answerable for not doing what the Church has given him no authority to do; 'Tis not every *private* sin that a man commits, that ought to exclude him from the Sacrament, tho' it should accidentally come to the Curate's knowledge: It is a proper ground for private admonition; but until it becomes an *offence to the Congregation*, it does not necessarily call for *open* censure. Of the three cases mentioned in the *Rubrick*, two of them require a *notoriety* of fact; and the third is so limited, that it must become *notorious*, before a man can be excluded for it; for though the Curate may repel those betwixt whom he perceiveth malice to reign, yet if the parties declare themselves to be in mutual Charity, they shall be admitted; or if one declares himself *content to forgive*—*&c.* he shall be admitted. And if any man upon admonition shall refuse these conditions, I think his want of Charity will be *notorious*. Since then no Curate is obliged in *duty* to repel a man from the Sacrament but for offences *open and notorious*, he will always have it in his power either to admit a man consistently with his own obligations, or to make a clear proof of the reasons for which he repels him.

But after all, the great cause of these disorders, is the neglect of the Constitutions and Rules of the Church: If no Curate would admit any to the Sacrament but his

own Parishioners \* ; and would require of them to give him due notice of their intentions to receive † ; many of the abuses and irreverences now justly complained of would be prevented; notorious offenders would not offer themselves where they are well known; nor would any man dare to approach the Lord's Table indecently, when he knew himself to be under the observation of Curate and Congregation; whereas strangers who slip into Congregations where no body knows them; if they have no Religion, 'tis no wonder that sometimes they have no decency. I know very well that the neglect of these good orders has been suffered so long, that private Curates can hardly hope to succeed in attempting to restore them; but 'tis proper matter of consideration for our Superiors, and to them I submit it.

The result of his Lordship's reasoning, p. 147, 148. affords us another Objection against the Test Act, viz. That it is a worldly motive to induce Christians to the same one certain profession in religious matters, and to the same one certain form of Words and Ceremonies in publick Worship. I would to God it had produc'd this effect! I should rejoice (however his Lordship complains) to see the Test-Act grow useless and out of date by the general Conformity of the people of this Nation. But in the mean while, I must tell his Lordship that the Act was made for no such purpose; the intent was to keep Dissenters out of the State, not to force them into the Church; which may appear in part from hence, that their meetings were tolerated by the very Act, in the first of William and Mary, which expressly extends the Test to them.

But whatever the intent was, it may be said, the effect is, that men are tempted by this Act to outward Conformity, and are made Hypocrites: I allow it to be so; and what then? Why, Hypocrisy is a very evil thing, and no man ought to have a Temptation to it laid in his way: True still; and his Lordship might know that to prevent this was one reason of the Occasional Bill: But tho' all such Hypocrisy cannot be prevented; yet consider, Are they who encourage Virtue and true Religion answerable for the Hypocrisy of those, who will pretend to Virtue and Religion

\* Canon 28.

† Rubrick before Communion.

in order to share in the Encouragement : If they are, then 'tis in it self a wicked thing to encourage virtue and true Religion ; and a father is a wicked man who rewards *one* son for *doing well*, because thereby he may possibly tempt another to *make a shew of doing well* : A Gentleman in the countrey who shews some mark of favour to his poor neighbours who religiously attend the publick service of God, is really by so doing drawing upon himself the wrath of God, by laying a temptation before others to make an *appearance* of being better than really they are. If these consequences are good, then I am sure that, " The worship of God and " the neglect of it, Religion and Irreligion *ought* to be set " on an equal foot in this world " : But if they are false; his Lordship's objection against the Test has no weight in it, and it will be *lawful to do right*, notwithstanding that some perhaps may make a *wrong use* of our so doing. But this general reason is calculated to serve more purposes than one; and there will be occasion some time or other to recal it to examination. In the mean while I shall take leave of this part of the argument ; not intending (without very good reason) to be drawn into it again ; for altho' I have for the sake of Religion, and of this Christian Church; both which (as I still conceive) must suffer by his Lordship's principles; been content to enter into a controversy; yet I do not design that it shall grow to be the employment of my Life. His Lordship has by prescription a right to the last word in every Controversy ; and I am willing he should have it in this. If there be *Reason* in what I have offered, it will prevail with *reasonable* men ; if there be not, I am not so *unreasonable* as to desire it should.

POSTSCRIPT.

# **POSTSCRIPT**

Ince the second Edition has been in the  
Pres, I receiv'd the following Remark  
from a very worthy Friend in the Coun-  
try: It relates to a Fact which does  
not affect the Merits of the Cause; but  
I am willing to rectify any Mistake,  
and therefore think fit to add the following Remark in  
the Words of my Friend.

As to what you say at Page 58, that it can't be suggested, that King *William* consented to as much as he could obtain from his Parliament, &c.----Dr. Calamy, at Page 439. of his Abridgment of Mr. Baxter's Life, writes thus---- " His Majesty (King *William*) in one of his Speeches to the Two Houses (in the Year 1689, and before the passing the Act of Indulgence, as he has placed it) told them, He hoped they would leave room for the Admission of *All* *Protestants*, that were willing and able to serve him, which was a thing would tend to the better uniting themselves, and the strengthening them against their common Adversaries. Pursuant hereto, when the Act for Abrogating of the Oaths of Allegiance and Supremacy, and appointing other Oaths, was read

" a second time in the House of Lords, a Clause was  
 " order'd to be brought in, to take away the Necessity  
 " of receiving the Sacrament to make a Man capable  
 " of having an Office. Such a Clause being af-  
 " ter reported to the House, was rejected by a great  
 " Majority.

After this he says, (at Page 440.) " Another Clause  
 " was inserted by the Court-Party in the aforesaid  
 " Bill, by which it was provided, that any Man  
 " should be sufficiently qualified for any Office, Em-  
 " ployment, or Place of Trust, who within a Year  
 " before or after his Admission or Entrance thereinto,  
 " did receive the Sacrament of the Lord's Supper,  
 " either according to the Usage of the Church of  
 " England, or in any other Protestant Congregation,  
 " and could produce a Certificate under the hands of  
 " the Minister and two other credible Persons, Mem-  
 " bers of such a Protestant Congregation. The Que-  
 " stion being put, whether this Clause should be  
 " made part of the Bill, it passed in the negative.

From these two Passages it seems to appear, that King *William* did what he could at his Accession to the Crown, and after, to have exempted the Dissenters from the Test, or at least from the taking it in the Church of *England*. It is also very plain, that they would not refuse to take it (*for Offices*) in their own Congregations, if they could gain that Point; and yet that practice would be liable to all Bishop *Hoadly's* Objections. They never made the least Objection against the Naturalization-A&t, when it was in force; which required foreign Protestants to receive the Sacrament in any Protestant Congregation; notwithstanding what Mr. *Pierce* writes, whose words I will beg leave to transcribe; for perhaps you have not the Book by you.----- " The Parliament did  
 " never design to guard against the Dissenters by the  
 " Test

" **P**est Act, but only against the Papists; however the  
 " Act has been since *basely* abused. For though 'tis  
 " true, those who first devised the Act, used not to  
 " attend our Assemblies; yet 'tis well known they  
 " were *favourers* of the Dissenters, and friends to  
 " our Civil Liberties. The Law it self has been cen-  
 " sured by Dissenters and Churchmen, as *unjust* and  
 " *unmerciful*; and if our Adversaries had had any  
 " regard to the honours of Christianity, they would  
 " long ago have painlessly solicited the Repeal of

*Vindication of the Dissenters, Page 284. Part I. A Book, which gives the true Spirit and Principles of the Dissenters.*

**F I N I S.**

